

Amendment No. 1 to HB1107

Howell
Signature of Sponsor

AMEND Senate Bill No. 1346

House Bill No. 1107*

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision (31):

(A) Except as provided in subdivisions (a)(31)(B) - (D), personally identifying information of any person named in any motor vehicle accident report is confidential and not open for public inspection.

(B) Notwithstanding subdivision (a)(31)(A) and upon written request, any person named in any motor vehicle accident report, or such person's agent, legal representative, or attorney, certifying that the person has permission from the person, persons, or entities authorized to obtain motor vehicle records information pursuant to § 55-25-107(b)(1), (6) or (9), is authorized to receive an accident report containing personally identifying information of persons involved in the accident.

(C) Notwithstanding subdivision (a)(31)(A), any federal, state, or local governmental agency, or any private person or entity acting on behalf of a federal, state, or local governmental agency, may use personally identifying information in carrying out the agency's functions.

(D) Nothing in this subdivision (a)(31) prevents a law enforcement entity from releasing information about traffic accidents to the public, including the name, age, and county or city of residence of a person involved in an accident, when the law enforcement entity determines such release is in the best interest of the agency and for the public good.

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(E) For purposes of this subdivision (a)(31), "personally identifying information" means:

- (i) Street addresses and zip codes;
- (ii) Telephone numbers;
- (iii) Driver license numbers; and
- (iv) Insurance information.

SECTION 2. Tennessee Code Annotated, Section 55-10-108(d), is amended by deleting the language "The report under subsection (b)" and substituting instead the following:

Except for personally identifying information described in § 10-7-504(a)(31), the report under subsection (b)

SECTION 3. Tennessee Code Annotated, Section 55-10-108(f), is amended by deleting the subsection in its entirety and substituting instead the following:

(1) Any report of a motor vehicle accident investigated by the department or prepared pursuant to subsection (b) is open to public inspection as a public record under the public records laws compiled in title 10, chapter 7, with the exception of personally identifying information as provided in § 10-7-504(a)(31).

(2) It is a Class B misdemeanor, punishable only by fine of two thousand five hundred dollars (\$2,500) per occurrence for any person to knowingly use the report or information contained in the report for solicitation that is prohibited by a standard of conduct or practice of any profession licensed by this state. Any person requesting the disclosure of personally identifying information who misrepresents that person's identity or makes a false statement on any request submitted pursuant to this chapter commits a

Class B misdemeanor, punishable only by a fine of two thousand five hundred dollars (\$2,500) per occurrence.

SECTION 4. Tennessee Code Annotated, Section 55-10-108(g), is amended by deleting the subsection in its entirety and substituting instead the following:

(g) A person who holds a professional license regulated by the executive branch of this state who uses information obtained pursuant to this section in violation of a statute, code of professional ethics, or rule of professional conduct applicable to that person commits a Class B misdemeanor, punishable by fine only of two thousand five hundred dollars (\$2,500) per occurrence.

SECTION 5. Tennessee Code Annotated, Section 55-10-108, is amended by adding the following as a new subsection (h) and redesignating appropriately the current subsection (h) and remaining subsections accordingly:

(h) In addition to any other remedies, a person whose personally identifying information is obtained in violation of subdivision (f)(2) or subsection (g) may bring a private right of action individually to recover actual damages against the person or entity committing such violation. The trial court may award a civil penalty up to two thousand five hundred dollars (\$2,500) per act or occurrence against such person or entity. The action may be brought in a court of competent jurisdiction in the county where the alleged violation took place or in the county in which the plaintiff resides. Upon a determination of a violation by the trier of fact, the court may award the plaintiff reasonable attorneys' fees and costs. The private right of action provided in this subsection (h) does not apply to contact by persons or entities allowed to obtain personally identifying information pursuant to § 10-7-504(a)(31)(B) or other applicable law.

SECTION 6. This act shall take effect July 1, 2019, the public welfare requiring it.